

FILED

Dec 30, 2002

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF)	
DESIDER J. ROTHE, M.D.)	Administrative Action
LICENSE NO. 27855)	
TO PRACTICE MEDICINE IN THE)	FINAL ORDER
STATE OF NEW JERSEY)	OF DISCIPLINE

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Desider J. Rothe, M.D., License No. MA27855, is a physician licensed in the State of New Jersey. As a consequence of respondent's failure to submit his biennial renewal in 1993, respondent's license to practice medicine and surgery in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:9-6.1, which allows for reinstatement upon payment of a late registration fee.

2. On December 20, 2001, a Consent Order was entered between respondent and the New York State Board for Professional Medical Conduct ("New York Board"). Respondent was charged with four specifications of professional misconduct. Specifically,

respondent was charged with committing **professional** misconduct by practicing the profession of medicine with negligence on more than one occasion, with incompetence on more than one occasion, and by failing to maintain a record for Patient A and Patient B which accurately reflects the care and treatment of the patient. As part of the Consent Order, Respondent agreed not to contest the charges. A copy of the New York Consent Order is attached as Exhibit A.

3. Respondent rendered obstetrical/gynecological care to Patient A between on or about April 19, 1990 and on or about March 29, 1993 at his New York medical office. More specifically, the following acts and omissions by Respondent during his care and treatment of Patient A constitute deviations from accepted standards of medical practice:

(1) Failing to perform and document adequate physical examinations including **breast examinations** and **periodic pelvic examinations** describing the size of the uterus and ovaries.

(2) Failing to order a sonogram in a timely fashion.

(3) Failing to maintain a record for Patient A which accurately reflects the evaluation and treatment he provided including patient history, physical examination, treatment plan and referral for indicated diagnostic tests.

4. Respondent rendered obstetrical/gynecological care to Patient B on or about April 13, 1989 and on or about February 28, 1991 at his New York medical office. More specifically, the following acts and omissions by Respondent during his care and

treatment of Patient B constitute deviations from accepted standards of medical practice:

(1) Failing to document uterine size, fetal heart tones and values for urine protein and glucose on each prenatal visit.

(2) Failing to appropriately manage Patient B's complaint of a breast lump.

(3) Failing to maintain a record of Patient B which accurately reflects the evaluation and treatment he provided including patient history, physical examination, treatment plan and referral for indicated diagnostic tests.

5. The New York Board imposed a censure and reprimand

the monitoring of respondent's practice on a random unannounced

prescribing information and office records.

CONCLUSIONS OF LAW

1. The above New York action provides grounds to take disciplinary action against respondent's license to practice medicine in New Jersey pursuant to N.J.S.A. 45:1-21(d) in that respondent's agreement not to contest the New York charges is tantamount to an acknowledgment of the allegations which establish that Respondent has engaged in repeated acts of negligence and incompetence.

2. The above New York action provides grounds to take disciplinary action against Respondent's license to practice medicine in New Jersey pursuant to N.J.A.C. 45:1-21(h) in that respondent's agreement not to contest the New York charges is tantamount to an acknowledgment of the allegations which establish that Respondent has failed to comply with the provisions of any act or regulation administered by the Board, specifically the patient record rule, N.J.A.C. 13:35-6.5.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline reprimanding respondent and placing his license to practice medicine and surgery in New Jersey on probation until such time as he possesses an unrestricted New York license was entered on July 26, 2002 and a copy was forwarded to respondent at the last known address on file with the Board. The

Provisional

p.m.

requested a

Fact or Conclusions

ev

reasons therefor.

Although the record reflects that the Provisional Order was served upon respondent, no response has been received to date. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS ON THIS 30th DAY OF Dec 2002,

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded. Respondent's license is placed on probation until such time as he can demonstrate that his New York license is unrestricted.

STATE BOARD OF MEDICAL EXAMINERS

William V. Harrer M.D. B.L.D.

By: _____
William V. Harrer, M.D., B.L.D.
President